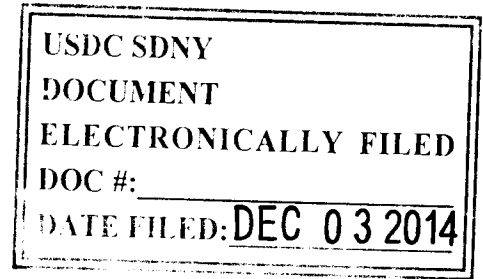


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December 3, 2014

BY ELECTRONIC MAIL

The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Ross Ulbricht*
14 Cr. 68 (KBF)

Dear Judge Forrest:

This letter is submitted on behalf of defendant Ross Ulbricht in response to the Court's December 1, 2014, Order requesting that the parties convey any concerns with the existing questionnaire to the Court by today, December 3, 2014. This letter is being transmitted via electronic mail to the Court, but can be filed via ECF if the Court wishes.

Defense counsel respectfully requests the following modifications of the Preliminary Instructions to the juror questionnaire and the summary of the case:

1. At page 1, paragraph 2, the preliminary instructions to the questionnaire state, "[t]his questionnaire is designed to help simplify and shorten the jury selection process." Defense counsel requests that the word "shorten" be replaced by "make more efficient and fair," given that this language better reflects the purpose of a juror questionnaire and avoids the possibility that jurors will seek to curtail their answers to the questionnaire in keeping with the goal of "shortening" the jury selection process.

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2. At page 2, paragraph 2, the summary of the case describes Mr. Ulbricht as “a/k/a ‘Dread Pirate Roberts,’ a/k/a ‘DPR,’ a/k/a ‘Silk Road.’” These alleged aliases should be removed from the summary of the case because whether Mr. Ulbricht is “Dread Pirate Roberts,” “DPR” and/or “Silk Road” must be proven by the government at trial. The existing language gives the impression that the aliases are established facts, which they are not.
3. At page 2, paragraph 3, the summary of the case states that the defendant allegedly operated and managed “a black-market Internet website known as ‘Silk Road.’” As in the previous instance, whether Silk Road was a “black market” website is a fact which the government must prove at trial, and the words “black-market” should therefore be removed.
4. At page 2, paragraph 7, the summary of the case states that Bitcoins are “a form of digital currency.” The word “currency” should be replaced with “payment” given that “currency” is a legal term.
5. At page 2, paragraph 8, the summary of the case states “[t]he defendant denies all of the charges in the Indictment.” This sentence should be modified, and should instead state “[t]he defendant denies all of the charges against him in the Indictment, and has pleaded not guilty to all of them.”

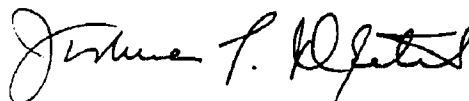
Also, regarding the questions in the questionnaire, we want to reassert our position that the final questionnaire should include the questions as presented in Mr. Ulbricht’s initial proposed juror questionnaire (which was submitted to the Court by ECF August 22, 2014, as Exhibit 1 to Joshua L. Dratel’s letter of the same date (Docket #53)). In particular, we refer to questions 29, 30, 31, 32, 44 and 45, which were removed from the final version, with the possible exclusion of question #29, regarding the “murder for hire” allegations, in the event that the Court grants Mr. Ulbricht’s soon to be filed motion *in limine* precluding any mention of the “murder for hire” allegations at trial.

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Accordingly, it is respectfully requested that the Court modify the juror questionnaire to reflect the above-suggested changes.

Respectfully submitted,



Joshua L. Dratel

JLD/lal

cc: Serrin Turner
Timothy T. Howard
Assistant United States Attorneys

Ordered

Does the Government object
to the changes noted in
PP 1-5 above? Please
inform the Court by 5pm
12/4.

K B. For
USDJ

12/3/14